

Appl. No. 09/749,332  
Reply to Final Office Action of July 6, 2005

Docket No. MIT-070PUS

### REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended in accordance with the provisions of 37 C.F.R. §1.116.

Claims 1 – 25 and 27-30 are pending in the application. Claim 26 is cancelled by this amendment. Claims 11, 18, 20 and 26 were indicated as being allowed in the Office Action dated July 6, 2005. Claims 1 – 10, 12 –17, 19, 21-25 and 27-30 are rejected. Claims 1, 13 and 21 are amended herein. No new claims are being added by this paper.

In accordance with the revised provisions of 37 C.F.R. §1.121(c) as enacted on July 30, 2003, a marked up version of the amended claims is provided above. Also attached in an Appendix are replacement sheets for the figures.

The Examiner rejects Claims 1-4, 10, 12-15, 17, 19, 21, 24, 25 and 27-30 under 35 U.S.C. §102(b) as being anticipated by Ramanathan (U.S. Pat. no. 5,850,592)

On page 13, of the Office Action, the Examiner takes the position that the limitations in the claims “do not indicate that a base station is neither a cluster-head nor a gateway station.” The Examiner also points out that “although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims”. Applicants agree with this proposition. Applicants would like to point out, however, that in a case like the present where a term is clearly defined and consistently used in the application and where that definition and usage is consistent with the use of the term in the field of art, no limitation from the specification is being read into the claim. Specifically, the use of the term “base station” has a known meaning and has been consistently defined and used in the patent application. Thus, no additional words are needed to state that the plurality of nodes which form the network communicate with one node which is designated as a base station and which is separate from the plurality of nodes which form the network.

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Applicants submit that the Examiner has not shown any basis in any reference or in the instant application for taking the position that a base station could be a gateway or a cluster head.

Nevertheless, Applicants have amended claim 1 to explicitly state that the base station is separate from the plurality of nodes. Thus, this precludes the possibility of the base station being either a cluster head or a gateway station as both of these devices are clearly part of the plurality of nodes referenced in the Ramanathan (with respect to the term gateway station) and the instant application (with respect to the term cluster head).

Accordingly, Applicants thus submit that Claim 1 is patentably distinct over Ramanathan.

Claim 2-4, 10 and 12 each depend either directly or indirectly from Claim 1 and thus are patentably distinct over the cited reference for the reasons discussed above in conjunction with Claim 1.

Applicants submit that Claim 13 is patentably distinct over the cited reference since the reference neither describes nor suggests a ... method for forming a network from a base station and a plurality of nodes wherein the base station is separate from the plurality of nodes, the method comprising ... electing a cluster-head ... establishing a communication path between ... the ... nodes and the cluster-head to form a cluster ... transmitting from the ... nodes to the cluster-head during [a] first data transmission round ... and transmitting data from the cluster-head to the base station ... as called for in Claim 13.

Claim 14, 15, 17, 19 each depend either directly or indirectly from Claim 13 and thus are patentably distinct over the cited reference for the reasons discussed above in conjunction with Claim 13.

Applicants have re-written claim 21 to include the limitations of claim 26 (which the Examiner has indicated contains allowable subject matter) and Applicants have cancelled claim

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26 (which is equivalent to re-writing claim 26 in independent form). Thus, Applicant submits that claim 21 and the claims dependent thereon are now in condition for allowance.

Claim 24, 25, 27, 28, 29 and 30 each depend either directly or indirectly from Claim 21 and thus are patentably distinct over the cited reference for the reasons discussed above in conjunction with Claim 21.

In view of the above, Applicants submit that Claims 1-4, 10, 12-15, 17, 19, 21, 24, 25 and 27-30 are patentably distinct over the Ramanathan.

The Examiner rejects Claims 5-9 under 35 U.S.C. §103(a) as being unpatentable over Ramanathan (U.S. Pat. no. 5,850,592) in view of Gelvin (U.S. Pat. no. 6,735,630).

Each of claims 5-9 depend either directly or indirectly from Claim 1 and thus include the limitations of Claim 1. As discussed above, Ramanathan fails to describe a base station. Gelvin also fails to describe a base station. Since the references relied upon by the examiner neither describe nor suggest ... a method of forming a network from a plurality of nodes and a base station ... forming clusters having at least one cluster-head ... transmitting data from at least one node in at least one of the plurality of clusters to the cluster-head in that cluster ... and ... transmitting data from at least one cluster-head to the base station as called form in each of claims 5-9, Applicants thus submit that these claims are patentably distinct over the combination relied upon by the Examiner.

The Examiner rejects Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Ramanathan (U.S. Pat. no. 5,850,592) in view of Estrin.

Claim 16 depends (indirectly) from Claim 13 and thus include the limitations of Claim 13. Since the references neither describe nor suggest ... a method for forming a network from a base station and a plurality of nodes wherein the base station is separate from the plurality of nodes, ... comprising ... electing a cluster-head ... establishing a communication path between ... the ...

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nodes and the cluster-head to form a cluster ... transmitting from the ... nodes to the cluster-head during [a] first data transmission round ... and transmitting data from the cluster-head to the base station ... as called for in Claim 16, Applicants submit that Claim 16 is patentably distinct over the combination relied upon by the Examiner.

The Examiner rejects Claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Ramanathan (U.S. Pat. no. 5,850,592) in view of Clare.

Claims 22 and 23 each depend either directly or indirectly from Claim 21 and thus include the limitations of Claim 21 which has been re-written in independent form. Thus, Applicants submit that Claims 22 and 23 are patentably distinct over the cited references.

The Examiner objects to Claims 11, 18, 20, 26 as being dependent upon a rejected base claim, but indicates that these Claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

As pointed out above, Applicant has re-written claim 21 to include the limitations of claim 26 and has cancelled claim 26 (which is equivalent to re-writing claim 26 in independent form). Thus, Applicant submits that claim 21 and the claims dependent thereon are now in condition for allowance.

In view of the above Amendment and Remarks, Applicants submit that claims 1-25, 27-30 and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

It is submitted that this amendment places the application in condition for allowance or in better form for consideration on appeal by materially reducing the number of issues on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

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The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Dated: 7 Nov 05

Respectfully submitted,

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